

Briefing Paper for Administrator McCarthy

Title: San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay Delta)

Status:

- EPA is facing three major issues in 2014 pertaining to the Bay Delta ecosystem.
- **Bay Delta Conservation Plan (BDCP):** We are contemplating an adverse NEPA rating for the DEIS for this project proposed by the State Department of Water Resources (DWR) and three federal co-lead agencies - FWS, NMFS, and USBR. EPA serves as a cooperating agency for the project. The project entails: (a) building twin 35-mile north-south tunnels designed to draw water directly from the Sacramento River for delivery to existing pumps in the South Delta (thereby avoiding the vulnerable Delta); and (b) the restoration of at least 65,000 acres of wetlands on the periphery of the Delta. For years, EPA and the co-lead agencies have raised serious, detailed concerns about the potential adverse effects of the project, and the sufficiency of technical information.
- **Bay Delta Water Quality Control Plan (Water Quality Plan):** We are anticipating a potential disapproval of the water quality standards (WQS) proposed by the State Water Board governing the lower San Joaquin River and South Delta if the detailed concerns we raised in March 2013 are not addressed. The proposed Plan could lead to permanent violations of WQS and degradation of designated uses. We are offering technical input to help the State craft an approvable Plan, and we will soon engage with OST and OW.
- **2014 Drought – State of Emergency:** DWR and USBR are filing a petition with the State Water Board to relax WQS for the Bay Delta in response to the Governor's Drought Proclamation. If and when they respond, EPA must determine whether or not to exercise our review & approval authority per CWA §303. Meanwhile, regarding diminishing drinking water supplies, we are working with FEMA and the State Office of Emergency Services (OES) to identify and assist the small community water systems at greatest risk.

Background:

- The Delta supplies drinking water to 27 million people and 3 million acres of farmland.
- Allocations of “developed” water in CA: 62% agriculture, 16% M&I, 22% environment.
- Earthquakes, floods, and sea level rise all pose a risk to the 1,100 mile network of levees.
- Supplies of freshwater could be disrupted for years if the levees fail.
- In 2012, EPA Region 9 issued a 7-point Bay Delta Action Plan to protect beneficial uses, and a Regional Bay Delta Team is working to implement the Plan.

Key Points:

- EPA leverages its unique authorities under the CWA and NEPA to provide a valued perspective and technical expertise toward protecting water quality, restoring wetlands, and increasing the resiliency of ecosystems.
- We are working closely with the agencies who are proposing the BDCP and the Bay Delta WQCP to make these ventures successful, but we must be prepared to exercise our unique authorities to protect public health and the environment if those agencies fail.

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